

In the Drawings:

Figs. 1 and 2 have been amended to incorporate numerical reference designators provided in the specification, but not found in the drawings. A replacement sheet with the amended drawings is appended. As all of the reference designators are found in the specification as filed, this amendment introduces no new matter.

REMARKS

Summary

Claims 1-15 were pending and all of the claims were rejected in the present Office action. Claims 1 and 10-12 have been amended. Figs. 1 and 2 have been amended to conform to the specification. No new matter has been introduced. In view of the amendments and the remarks herein, the Applicant respectfully submits that the application is in condition for allowance.

Claim Rejections

35 U.S.C. § 112, second paragraph

Claims 10 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The specific aspect cited by the Examiner is that there is insufficient antecedent basis for certain limitations in the claims. Claims 10 and 11 have been amended so as to provide the appropriate antecedent basis and the Applicant respectfully submits that the rejection has been obviated.

35 U.S.C. § 102(b)

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 112(b) as being anticipated by Daniels (US 4,305,442; "Daniels").

In many places in the specification, Daniels emphasizes the forces associated with the insertion. The Examiner's attention is directed to Figs. 3-5 of the reference in which it can clearly be seen that a substantial angular deformation (A6) of surface 66 (see Fig. 2 for the identification of this element) occurs during insertion of the male coupling 30 into the female coupling 50.

Amended Claim 1 is allowable, as Daniels does not teach all of the elements and limitations of the amended claim.

35 U.S.C. § 103 (a)

Claims 1-4 and 6-14 were rejected as being unpatentable over Reihm (US 5,647, 682; "Reihm"). The Applicant respectfully traverses the rejections; however Claim 1 has been amended to better describe the subject matter; the rejection of Claim 2 is respectfully traversed on the basis that the Examiner has not made out a *prima facie* case of obviousness.

Amended Claim 1 recites, *inter alia*, a bracket adaptively shaped to engage with the recess without deformation of an engaging portion of the recess.

The new limitations are supported in the specification by the description of a lock being rigid (page 9, line 29) and that, for example, a horizontal movement or pass of the bracket 9 through the recess 11 may be rendered possible only when the lug 15 is completely disengaged from the groove 13" (page 8, lines 22-25), which would be interpreted by a person of ordinary skill in the art as meaning that the members were rigid and did not deform.

The engaging portion of the recess in Daniels is deformed during the insertion of the bracket, and the bracket portion B in Fig. 3 of Reihm is deformed by the eccentric bolt 8a. Thus, neither of the references, alone or taken in combination teaches or suggests all of the elements and limitations of amended Claim 1 and the Applicant respectfully submits that the claim is allowable. No additional reference is cited in the rejection of Claims 3-11 and 15, and the claims are similarly allowable.

With respect to Claim 2, the Applicants respectfully submit that the latching joint coupling taught by Daniels is intended for use in the building industry (Daniels, col. 1, line11) and, as such the weights and forces are of a different magnitude than in the art of the present application. As such, the Applicants respectfully traverse the Examiner' characterization of the insertion force as "allow[ing] easy insertion" as being relevant to Claim 2. "Easy" may be considered a term of degree that should be interpreted in light of the specification. The Applicant respectfully submits that "easy" in the building industry is not the same as "with minimal frictional resistance" in a medical appliance.

The Examiner accepts that Reihm does not disclose the force-fitting engagement as being automatic and cites *In re Venner* 263 F.1d91, 120 USPQ 192 (CCPA 195[8]) for the proposition that “[b]roadly providing an automatic or mechanical means to replace a manual activity, which accomplishes the same result is not sufficient to distinguish over the prior art”. However, in *Decca Limited v. United States* 160 USPQ 739 (US Ct 1969) the “[d]efendant's contention that the '980 patent does not constitute an invention because it merely provides an automatic means to replace a manual activity used in the prior art to accomplish the same result is not supported in this case.” This suggests that any such contention on by the Examiner must be supported by facts and arguments in order to sustain a rejection in this matter.

Further, the Applicant calls attention to *Varco, LP. v. Pason Systems USA Corp* (CAFC, February 1, 2006, case 05-1136), which clearly establishes that an automatic mechanism is a patentable distinction over a manual operation. Therefore, the Applicants respectfully submit that a *prima facie* case of obviousness has not been made out with respect to Claims 2 and 12. Claims 13 and 14 are allowable for similar reasons to those given above.

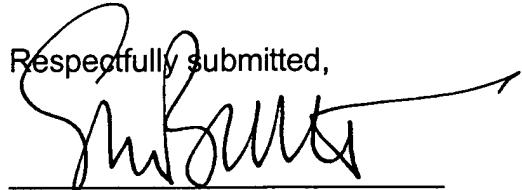
Conclusion

Claims 1-15 are pending.

For at least the reasons presented above, the Applicant respectfully submits that the pending claims are allowable and looks forward to the early issuance of a Notice of Allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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